resin), and oil resistant rubber as an oil resistant coating layer (column 3, lines 29-47 of Yabuki et al.).

The improvement of the present invention over the cited Yabuki et al. invention is in the outer layer of the center of the golf ball. But Yabuki et al. has an outer layer of center which is made of an oil-resistant rubber or ionomer resin, that is, a thermoplastic resin which has a high hardness and the rebound characteristics of the resultant golf ball of Yabuki et al. are inferior to the present invention because of poor shot feel of the golf ball when compared to the golf balls made according to the present specification which calls for thermoplastic elastomers, not thermoplastic resins. According to the present invention, the outer layer of the center is made out of either a polyurethane thermoplastic elastomer or a polyester thermoplastic elastomer or a polyamide thermoplastic elastomer, or mixtures thereof. The Amendment which was offered in the Preliminary Amendment of November 15, 2001, adds to the further limitation on the outer layer of the center, that not only should the outer layer be made with these specific thermoplastic elastomers, but also that they be composed of a hard segment and a soft segment. This is in order to improve the rebound characteristics and shot feel of the resultant golf ball. Yabuki et al. does not teach, disclose or suggest such an improvement

Applicant has explained the differences in the terminology of resins and elastomers, and submitted printed publications to support his position.

Tests were carried out to show the respective performances of golf balls made according to the present invention and those made without elastomers: these tests are described in the present specification (see attached pages 29-32). These tests prove that when a thermoplastic resin (ionomer) is employed in the cover of the center in thread wound golf balls, the golf ball is inferior in performance to that of a similar golf ball having a thermoplastic elastomer in the center core outer layer, as explained in the specification at page 32.

Regarding the term "thermoplastic elastomer," it is clear that a "thermoplastic elastomer" does not mean the same thing as "thermoplastic resin" when applied to the outer layer of the center of a thread wound golf ball as in the present invention. Persons skilled in making golf balls do not include thermoplastic resins and ionomer resins in the term thermoplastic elastomer. This is supported by the Ullmann's Encyclopedia of Industrial Chemistry, Fifth Edition, pages 633-664, Volume A26 and Volumes A20, pages 543-544, and also Kirk-Othmer, Encyclopedia of Chemical Technology, Fourth Edition, Volume 9, Elastomers, page 1 and thermoplastic elastomers, page 15. Please refer to Appendices 1, 2 and 3, which were attached to the Amendment dated October 17, 2001). These references do not categorize thermoplastic elastomers as resins, and no skilled person would do so.

The Examiner has not submitted any contrary evidence, but merely stated that the Examiner fails to see a patentable distinction between the oil-resistant layer of the present invention and the Yabuki et al. reference. Applicant has pointed out a patentable distinction

in the improvement, which is surprising and unexpected over the rebound characteristics and the shot feel of the present invention compared to golf balls which are made without thermoplastic elastomers. Any presumption raised by the Examiner's citation of Yabuki et al. and arguments based thereon, has been overcome by the printed evidence and this argument.

Applicant respectfully urges the Examiner to reconsider her final rejection in the light of the evidence as supported by those printed publications and this argument in view of legal precedents such as In re Lee, 61 USPQ 2d 1430, 1433-1435 (CAFC 2002) (copy enclosed) as to the unobvious nature of the invention as now claimed.

Accordingly, reconsideration, favorable action and allowance of the present application is respectfully solicited.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of three (3) months to June 11, 2002 in which to file a reply to the Office Action. The required fee of $920.00 is enclosed herewith.

Should the Examiner wish to contact Applicant's representative, she may do so by telephoning Edward H. Valance, Reg. No. 19,896, at (703) 205-8000 in the Washington Metropolitan area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for

any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: In re Lee, 61 USPQ2d 1430 (CA FC 2002) (1 copy)